

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

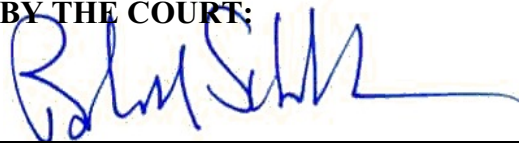
COPLAY AGGREGATES, INC.,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
BAYSHORE SOIL MANAGEMENT LLC,	:	
Defendant.	:	No. 11-1059

ORDER

AND NOW, this 23th day of **May, 2011**, upon consideration of Defendant's Motion to Dismiss, Plaintiff's Opposition thereto, Defendant's Reply thereon, and for the reasons stated in the Court's Memorandum dated May 20, 2011, and following oral argument on the motion, it is hereby **ORDERED** that the motion (Document No. 9) is **GRANTED in part and DENIED in part**, as follows:

1. The motion is granted **GRANTED** with respect to Counts III, IV, and V of the Amended Complaint, which are **DISMISSED**.
2. The motion is otherwise **DENIED**.
3. It is further **ORDERED** that this case shall be designated for compulsory arbitration pursuant to Local Rule 53.2. An arbitration trial shall be scheduled as expeditiously as possible.

BY THE COURT:



Berle M. Schiller, J.